

Dave Owen Biography

Dave Owen is the Harry D. Sunderland Professor at the University of California College of Law, San Francisco. Professor Owen teaches classes in environmental law, water law, statutory interpretation and administrative law, and energy law. Before joining the faculty at UC Law, he graduated Order of the Coif from Berkeley Law, clerked for Judge Samuel Conti of the United States District Court for the Northern District of California, practiced water law, and taught at the University of Maine School of Law. Before attending law school, he worked as a geologist for an environmental consulting firm.

ACADEMIC EMPLOYMENT

Harry D. Sunderland Professor Law, University of California, Hastings School of Law.

Rutter Award for Teaching Excellence, 2017

Professor of Law and Associate Dean for Research, University of Maine School of Law (2013-15)

Visiting Professor of Law, University of San Diego School of Law (Spring 2014)

Associate Professor of Law, University of Maine School of Law (2007-13)

Affiliated Scholar, Center for Progressive Reform (2014 – present)

PUBLICATIONS

Books

Practicing Environmental Law (Foundation Press, 2nd ed. 2021) (with Todd Aagaard & Justin Pidot).

Natural Resources Law: A Place-Based Book of Problems and Cases (Aspen, 5th ed. 2022) (with Christine Klein, Bret Birdsong, Alexandra Klass, and Eric Biber)

Articles

[*The Negotiable Implementation of Environmental Law*](#), 75 STAN. L. REV. 137 (2023)

[*The Realities of Takings Litigation*](#), 47 BYU L. REV. 577 (2022)

[*Law, Land Use, and Groundwater Recharge*](#), 73 STAN. L. REV. 1163 (2021). Selected for reprinting in 53 LAND USE & ENVTL. L. REV. (2022) as one of the top five environmental law articles of 2021.

[*Coequal Federalism and Federal-State Agencies*](#), 55 GA. L. REV. 287 (2020) (with Hannah Wiseman)

[*Consultants, the Environment, and the Law*](#), 61 ARIZ. L. REV. 823 (2019)

[*Private Facilitators of Public Regulation: A Study of the Environmental Consulting Industry*](#), REGULATION AND GOVERNANCE (2019).

[*California Groundwater Management, Science-Policy Interfaces, and the Legacies of Artificial Legal Distinctions*](#), ENVIRONMENTAL RESEARCH LETTERS (2019) (with Alida Cantor et al.)

[*Cooperative Subfederalism*](#), 9 UC IRVINE L. REV. 177 (2018)

[*Federal Laboratories of Democracy*](#), 52 UC DAVIS L. REV. 1119 (2018) (with Hannah Wiseman)

[*Water and Taxes*](#), 50 U.C. DAVIS L. REV. 1559 (2017).

[*Little Streams and Legal Transformations*](#), 2017 UTAH L. REV. 1.

[*Regional Federal Administration*](#), 63 UCLA L. REV. 58 (2016). Selected for reprinting in 48 LAND USE & ENVTL. L. REV. (2017) as one of the top five environmental law articles of 2015-16.

[*The Importance of Institutional Design for Distributed Local-Level Governance of Groundwater: The Case of California's Sustainable Groundwater Management Act*](#), MDPI WATER (2017) (with Michael Kiparsky et al.).

[*Predicting stream vulnerability to urbanization stress with Bayesian network models*](#), LANDSCAPE AND URBAN PLANNING (2017) (with Kristen K. Weil et al.).

[*Trading Dams*](#), 48 U.C. DAVIS L. REV. 1043 (2015) (co-authored with Colin Apse). Recipient of the Morrison Prize for Sustainability Scholarship; selected for presentation at the 2014 Harvard-Stanford-Yale Junior Faculty Forum.

[*Interdisciplinary Research and Environmental Law*](#), 41 ECOLOGY L.Q. 887 (2015) (coauthored with Caroline Noblet). Selected for presentation at the 2014 Harvard-Stanford-Yale Junior Faculty Forum.

[*Overallocation, Conflict, and Water Transfers*](#), 9 ENVTL. RES. LETTERS (2014)

[*Taking Groundwater*](#), 91 WASH. U. L. REV. 253 (2014).

[*Mapping, Modeling, and the Fragmentation of Environmental Law*](#), 2013 UTAH L. REV. 219. Reprinted in 46 LAND USE & ENVTL. L. REV. (2015) as one of the top six environmental law articles of 2013-14. Reprinted in the *Environmental Law and Policy Annual Review*, 45 Env'tl. L. Rep. 10796 (2015) for receiving honorable mention as one of the top environmental law and policy articles of 2013.

[*The Mono Lake Case, The Public Trust Doctrine, and the Administrative State*](#), 45 U.C. DAVIS L. REV. 1099 (2012)

[*Critical Habitat and the Challenge of Regulating Small Harms*](#), 64 FLORIDA L. REV. 141 (2012), Reprinted in the *Environmental Law and Policy Annual Review*, 43 ENVTL. L. REP. 10662 (2013), as one of the top environmental law and policy articles of 2012.

[*Urbanization, Water Quality, and the Regulated Landscape*](#), 82 U. COLORADO L. REV. 431 (2011). Selected for presentation at the 2010 Stanford-Yale Junior Faculty Forum.

[*Collaboration, Clean Water Act Residual Designation Authority, and Collective Permitting: A Case Study of Long Creek*](#), 1 WATERSHED SCI. BULLETIN 25 (2010) (with Curtis Bohlen et al.).

[*Probabilities, Planning Failures, and Environmental Law*](#), 84 TULANE L. REV. 265 (2009), Reprinted in 42 LAND USE & ENVTL. L. REV. (2011) as one of the top five environmental law articles of 2009-10.

[*Legal constraints, environmental variability, and the limits of innovative environmental governance*](#), 12 ENVTL. SCI. & POL'Y 684 (2009).

[*Explaining the Klamath*](#), 22 CONSERVATION BIOLOGY 1664 (2008) (book review).

[*Climate Change and Environmental Assessment Law*](#), 33 COLUM. J. ENVTL. L. 57 (2008).

[*Law, Environmental Dynamism, Reliability: The Rise and Fall of CALFED*](#), 37 ENVTL. L. 1145 (2008).

[*Technocracy and Democracy: Conflicts Between Models and Participation in Environmental Law and Planning*](#), 56 HASTINGS L.J. 901 (2005) (co-authored with James Fine).

[*The Disappointing History of the National Marine Sanctuaries Act*](#), 11 N.Y.U. ENVTL. L.J. 711 (2003).

[*Prescriptive Laws, Uncertain Science, and Political Stories: Forest Planning in the Sierra Nevada*](#), 29 ECOLOGY L.Q. 747 (2003).

Note, *Gibbs v. Babbitt*, 28 ECOLOGY L.Q. 377 (2001).

Book Chapters, Essays, Briefs, and Other Publications

Briefs of Members of Congress in Support of Plaintiffs Challenging the Navigable Waters Protection Rule (multiple courts 2020-21).

The Law and Ecology of Dam Removals, 2020. No. 3 Rocky Mtn. Min. L. Found. Spec. Inst.: Water L. Inst. (2020) (with Kim Sager-Fradkin).

Comments of the Center for Progressive Reform on the Proposed Waters of the United States Rule, April 15, 2019.

Law Professors' Amicus Brief, Baley v. United States (Fed. Cir. 2018).

[*Addressing Institutional Vulnerabilities in California's Drought Water Allocation*](#) (2018) (with Nell Green Nylen et al.).

[*The Conservative Turn against Compensatory Mitigation*](#), 48 ENVTL. L. 265 (2018).

[NAVIGATING GROUNDWATER-SURFACE WATER INTERACTIONS UNDER THE SUSTAINABLE GROUNDWATER MANAGEMENT ACT](#) (2018) (with Alida Cantor et al.).

Brief of Amicus Curiae Law Professors, San Francisco Baykeeper v. California State Lands Commission (Cal Ct. App. 2018).

[*Auctions, Taxes, and Air*](#), 65 UCLA L. REV. DISCOURSE 64 (2017).

Comments of the Center for Progressive Reform on the Proposed Waters of the United States Rule, Sept. 25, 2017.

The Future of Natural Resources Law, 47 ENVTL. L. REP. NEWS & ANALYSIS 10197 (2017).

Brief of Members of Congress as Amici Curiae in Support of Respondents, In re Environmental Protection Agency and Dept. of Defense, Final Rule: Clean Water Rule (6th Cir. 2017) (with Jamison Colburn, Kim Dianna Connolly, and Sam Kalen).

After the TMDLs, 17 VT. J. ENVTL. L. 841 (2016).

The Law of Environmental Planning, in *Environmental Decision Making* (Lee Paddock & Robert Glicksman, eds. 2016).

Brief of Amicus Curiae Law Professors, Mineral County et al. v. Walker River Irrigation District et al., (9th Cir. 2016) (with Richard M. Frank).

DESIGNING EFFECTIVE GROUNDWATER SUSTAINABILITY AGENCIES: CRITERIA FOR EVALUATION OF LOCAL GOVERNANCE OPTIONS (with Michael Kiparsky et al.).

Brief of Amicus Curiae Law Professors, San Francisco Baykeeper v. California State Lands Commission (Cal Ct. App. 2015).

[*The Endangered Species Act*](#), in *GLOBAL CLIMATE CHANGE AND UNITED STATES LAW* (Michael B. Gerrard and Jody Freeman eds., 2nd ed. 2014).

Brief of Amicus Curiae Law Professors, Siskiyou County Farm Bureau v. California Department of Fish & Wildlife (Cal. Ct. App. 2014).

Proposed Regulation of Greenhouse Gas Would Benefit Nation, World, Maine, PORTLAND PRESS HERALD, June 17, 2014.

Dave Owen & Sean Mahoney, *Waterfront Ordinance Protects Quality of Life and Existing Uses*, PORTLAND PRESS HERALD, October 19, 2013.

[*Environmental Groups File Residual Designation Authority Petitions for EPA Regions 1, 3, and 9*](#), THE SANDBAR, October, 2013.

Robert J. Lilieholm et al., [*Alternative Futures Modeling in Maine's Penobscot River Watershed: Forging a Regional Identity for River Restoration*](#), Lincoln Institute for Land Policy Working Paper (2012).

[*Sea Level Rise and the Endangered Species Act*](#), 73 LOUISIANA L. REV. 119 (2012).

Brian Lessels and Dave Owen, Legal Liabilities for Salt Use Reduction (November 2011) (prepared for the Maine Salt Management Task Force).

Joseph L. Sax and David R. Owen, *Brief of Amici Curiae Law Professors in Support of The United States Petition for Rehearing and/or Rehearing En Banc, Casitas Municipal Water District v. United States* (Fed. Cir. 2008).

Editor, Environmental Law Profs Blog, http://lawprofessors.typepad.com/environmental_law/, August 2011 – present.

OTHER RESEARCH ACTIVITIES

Advisory Board Member, Center for Law, Energy, and Environment, University of California, Berkeley School of Law

Advisory Board Member, [Future of Dams Research Project](#)

EDUCATION

University of California, Berkeley School of Law (Boalt Hall), J.D. 2002

Honors: Order of the Coif

Activities: Editor-in-Chief, Ecology Law Quarterly

Amherst College, B.A., Geology 1996

Honors: Magna cum laude

PRIOR EMPLOYMENT

2003-2007 Associate Attorney, Rossmann and Moore, San Francisco, California.

2002-2003 Clerk to Judge Samuel Conti, United States District Court, Northern District of California.

1996-2000 Geologist/Environmental Auditor, Woodard & Curran, Inc., Dedham, Massachusetts.